

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present Application. This present Application has been carefully reviewed in light of the Official Action mailed November 18, 2003. Claims 10-12, 22-24, 29 and 30 stand rejected, while Claims 14-21 and 25-28 are objected to. Applicant is amending Claims 10 and 23. Therefore, Claims 10-12 and 14-30 remain pending in the application. Applicant submits that the amendments do not add new matter to the present Application. Applicant respectfully requests reconsideration and favorable action for the present Application.

Rejections under 35 U.S.C. § 102

Claims 10, 12, 23, 24 and 29 stand rejected under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,596,619 issued to Tano ("Tano"). Applicant respectfully traverses this rejection.

With respect to Claims 10 and 23, the Examiner asserts that Tano discloses feed (17) and dispensation (19) chambers and an outlet valve (35) coupled to the dispensation chamber, the process comprising a first stage, wherein a first valve is closed and a second (outlet) valve is closed, the pump chamber is brought to equilibrium, and a second stage wherein a pump is activated to pump fluid onto an object when the second (outlet) valve is opened. According to Tano, outlet valve (35) is a ball valve positioned within a flow passage. (Col. 3, lines 10-11) During operation of the pump disclosed in Tano, "ball valve 35 is opened to admit pressurized air to the upper cylinder." (Col. 3, lines 65-66) Thus, the ball valve 35 in Tano regulates and dissipates air pressure within a cylinder, while fluid flows through outlet pipe 13 and not ball (outlet) valve 35.

In contrast, Claims 10 and 23 recite "dispense[ing] the fluid through the outlet valve and onto an object upon opening the outlet valve." Thus, as recited in Claims 10 and 23 fluid flows through outlet valve 68. (Page 7, Paragraph 2). In Tano, outlet pipe 13 dispenses fluid, not ball valve 35 (as described above). Because in Tano outlet pipe 13 dispenses fluid and not ball valve 35, ball valve 35 of Tano cannot be the same as, or equivalent to, the outlet valve of Claims 10 or 23 (which dispenses fluid).

For at least the foregoing reasons, Applicant believes the claims are patentably distinguished from the reference. Accordingly, Applicant respectfully requests the withdrawal of the rejection of independent Claims 10 and 23 and their associated dependent Claims 12, 24, and 29.

Rejections under 35 U.S.C. § 103

Claims 22 and 30 stand rejected under U.S.C. § 103(a) as being obvious in light of U.S. Patent No. 4,596,619 issued to Tano ("Tano") and the ordinary skill of one in the art. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the arguments stated above apply equally well here, and as Claims 22 and 30 depend from now allowable independent Claims 10 and 23 respectively, Applicant respectfully requests the withdrawal of the rejection of Claims 22 and 30.

Allowable Subject Matter

Applicant thanks Examiner for notifying Applicant of the allowable subject matter contained in Claims 14-21 and 25-28.

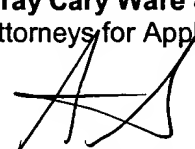
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 10-12 and 14-30. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP
Attorneys for Applicant


Ariyeh G. Akmal
Reg. No. 35,816

Dated: FEB 5, 2004
Gray Cary Ware & Freidenrich LLP
1221 South MoPac Expressway
Suite 400
Austin, TX 78746-6875
Tel. (512) 457-7216
Fax. (512) 457-7001